

APPLICANT: Geoffrey Alan Williames
SERIAL NO: 10/656,643 ART UNIT: 3643
FILED: September 5, 2003
FOR: IMPROVEMENTS TO VACUUM FORMED
INDEXABLE LIGHTWEIGHT, RECYCLABLE TRAYS
EXAMINER: Jeffrey L. Gellner

MAIL STOP NON FEE AMENDMENT
Commissioner for Patents
P.O. BOX 1450
Alexandria, Virginia 22313-1450

March 16, 2004

S i r:

a.) Introductory Comments:

In response to the Office Action dated February 17, 2004, applicant provisionally elects the embodiment of Figures 1-7 and claims 1-6. However, the requirement for the two elections is respectfully traversed.

In support of the traverse it is submitted that Figures 8 and 9 are in many ways the same as Figures 1-7 inasmuch as the indexing apertures appear only on the edges of the tray. Further, it is not understood why Figures 14 et seq are not included with Figures 10-13 inasmuch as all of these figures appear to show trays with cells located outwardly of the indexing apertures.

CERTIFICATION 37 C.F.R. 1.8a and 1.10
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37 C.F.R. 1.8a

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37 C.F.R. 1.10

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Carole L. Williams
(type or print name of person certifying)

It is believed that the requirements for election should be reconsidered and withdrawn because the nursery tray, as claimed, and the method of forming such nursery tray, as claimed, are so similar to one another that the examination of either group of claims necessarily requires the examination of the art associated with the other set of claims. Further, since the basis for election must take into account the product and method, as claimed, it is clear from the examiner's example that the product and method, as claimed, have not been considered in the manner required. With further reference to the examiner's example it is not apparent to applicant how the tray as claimed in claims 1-6 could be produced by the method described by the examiner. On the contrary it is believed that the process described by the examiner probably would be inoperable.

The elected claims readable on the elected species are claims 1, 3, 4, 5, and 6.

It is believed this application now is in condition for an action on its merits. Such action is requested.